

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

January 10, 2005
7:00 p.m.

The Honorable Mayor Lester Heitke conducted opening ceremonies of the biennial organizational meeting. In accordance with the Willmar City Charter, the Council must meet on the first Monday after the first Tuesday of each January following a General Election.

City Clerk Kevin Halliday, chief officer in charge of voting for the City of Willmar, presented to Council Members Denis Anderson, Steven Gardner, Cindy Swenson and Jim Dokken Certificates of Election. The Honorable Judge John Lindstrom, Judge of District Court, officiated the Swearing-in Ceremonies of the four Council Members.

At this time Mayor Heitke called the City Council meeting to order. Members present on a roll call were Mayor Heitke, Council Members Douglas Reese, Rick Fagerlie, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steven Gardner, Cindy Swenson, and Jim Dokken; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Planning and Development Services Director Bruce Peterson, Police Chief Jim Kulset, Finance Director Steven Okins, Public Works Director Mel Odens, and City Clerk Kevin Halliday.

Mayor Heitke called upon Reverend Noami Mahler, Paz y Esperanza Church, to give the invocation. Upon completion of the invocation, Mayor Heitke presented to the City Council and those in attendance his message of the State of Affairs of the City of Willmar.

Proposed additions to the agenda included a tsunami disaster announcement, letter from Benson basketball coaches and team, and Committee/Commission appointments.

The Police Commission Minutes of December 15, 2004, were removed from the Consent Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of December 20, Municipal Utilities Commission Minutes of December 27, Building Inspection Report for December, Police Commission Minutes of July 14, 2004, and Lawful Gambling Exempt Permit for Kandiyohi County Pheasants Forever. Council Member Reese seconded the motion, which carried.

The Council discussed a Police Commission item regarding Police Department staffing issues. The Willmar Police Commission Minutes of December 15, 2004, were accepted as presented upon motion by Council Member Gardner, seconded by Council Member Fagerlie, and carried.

At 7:33 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Sections 2, 3 and 5 of the Rate Schedule for Users of the City of Willmar Waste Treatment Plant. City Administrator Schmit explained the rate increase is part of an ongoing funding plan to enable the City to construct a new Wastewater Treatment Plant by 2010. There being no one present to speak for or against

the proposed Ordinance, Mayor Heitke closed the hearing at 7:34 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Sections 2, 3 and 5 of the Rate Schedule for Users of the City of Willmar Waste Treatment Plant. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:38 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Ordinance No. 1060 to Rezone Certain Property. Planning and Development Services Director Peterson informed the Mayor and Council that Dale Nelson proposes the rezoning of property from Ag to R-2 for the purpose of residential single family and twin home development (Woodberry Addition). It was noted the proposal is consistent with the Comprehensive Plan and has been approved by the Planning Commission. There being no one to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:39 p.m.

Council Member DeBlieck offered a motion to adopt, assign a number, and order final publication of an Amending Ordinance No. 1060 to Rezone Certain Property. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Public Works/Safety Committee Report for January 4, 2005, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 The Committee reviewed the final pay request of Soft Play, LLC for two slides at the Dorothy Olson Aquatic Center. The Committee was recommending the Council accept the equipment as installed and authorize final payment to Soft Play, LLC.

Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Dorothy Olson Aquatic Center
CONTRACTOR:	Soft Play, L.L.C.
DATE OF CONTRACT:	March 17, 2004
BEGIN WORK:	March 19, 2004
COMPLETE WORK:	November 18, 2004
APPROVE, CITY ENGINEER:	November 2004

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said Dorothy Olson Aquatic Center water slides be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$197,000.00
Change Order Nos. 1	69,300.00

FINAL NET CONTRACT AMOUNT, PROPOSED:	\$266,300.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$266,300.00
Less Previous Payments	236,390.00
Less Associated Pool Builders Invoice (additional slide footing re-work)	2,185.72
Less Century Fence Company Invoice (additional slide footing re-work)	350.00
FINAL PAYMENT DUE CONTRACTOR:	\$27,374.28

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee discussed the First Street signal as-built and loop verification. The City contracted with Short Elliott Hendrickson (SEH) to prepare as-built plans for all the signal systems along First Street as well as the system at 4th Street and Willmar Avenue SE. During the process SEH noted that labeling of cables, terminal blocks and internal cabinet wiring diagrams were also out-of-date and did not correspond to what was actually in place at each signal system. In order to provide the most current information for future maintenance, staff recommends additional services be added to the agreement in the amount of \$2,000.00 bringing the contract total to \$17,000.00. This is a state-aid reimbursable item.

The Committee was recommending the Council Increase the contract with Short Elliott Hendrickson to \$17,000 and amend the budget accordingly. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

Resolution No. 2

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and Short Elliott Hendrickson Inc., (SEH). The supplement includes costs for additional field work to complete the First Street As-Built/Loop Services.

BE IT FURTHER RESOLVED, the original contract amount of not to exceed \$15,000.00 is hereby amended by \$2,000.00 for a total not to exceed figure of \$17,000.00.

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO.3

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$483,400.00
Salaries Temp. Employees	\$6,000.00	City (MUC)	\$62,000.00
Employer Pension Contr.	\$1,500.00	State (State Aid)	\$1,126,766.00
TOTAL	\$8,000.00	City (WTP)	\$122,357.00
		City (Engineering)	\$10,000.00
		School District	\$15,000.00
SUPPLIES		City (2003 Transfer)	\$70,000.00
Office Supplies	\$1,500.00	Developer	\$1,468,017.00
Small Tools	\$2,000.00	City (Utility Fee)	\$173,583.00
Motor Fuels & Lubricants	\$1,000.00	State (Grant)	\$17,500.00
Postage	\$2,000.00	Developer Cash	\$94,377.00
Mtce. of Other Improvements	\$2,000.00	TOTAL	\$3,643,000.00
General Supplies	\$3,500.00		
TOTAL	\$12,000.00	FINANCING	
		Bonds	\$2,125,000.00
		State	\$1,126,766.00
OTHER SERVICES		State (Grant)	\$17,500.00
Printing & Publishing	\$2,000.00	City (MUC/WTP/ENG.)	\$194,357.00
Mtce. of Other Impr.	\$2,777,020.00	School District	\$15,000.00
Other Services (County)	\$475,000.00	City (2003)	\$70,000.00
TOTAL	\$3,254,020.00	Other (Developer Cash)	\$94,377.00
		TOTAL	\$3,643,000.00
OTHER CHARGES		GRAND TOTAL	\$3,643,000.00
Insurance & Bonds	\$1,500.00		
Prof. Serv. (Mn/DOT, Consult., SEH)	\$139,480.00	Project Desc.	Cost
Adm. OH (Transfer)	\$108,000.00	Street	\$1,697,009
Other Charges (County & DBI)	\$120,000.00	Sewer and Water	\$580,011
		Bus. 71 Mill/Overlay	\$500,000
OTHER CHARGES		Street Lighting	\$65,000
Insurance & Bonds	\$1,500.00	Miscellaneous	\$261,000
Prof. Serv. (Mn/DOT, Consult., SEH)	\$139,480.00	County Road 5	\$95,000
Adm. OH (Transfer)	\$108,000.00	LDS Services	\$60,000
Other Charges (County & DBI)	\$120,000.00	1st Street As-Builts/Loops	\$17,000

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed the final pay request for Duininck Bros. Inc. in the amount of \$17,365.12 for Project No. 0301. Following discussion, the Committee was recommending the Council accept the project as constructed and authorize final payment.

Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO.4

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Project No. 0301 – 2003 Street Improvements
CONTRACTOR:	Duininck Bros., Inc.
DATE OF CONTRACT:	May 22, 2003
BEGIN WORK:	June 23, 2003
COMPLETE WORK:	May 28, 2004
APPROVE, CITY ENGINEER:	January 4, 2005

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 0301 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$619,017.58
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$619,017.58
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$570,623.13
Less Previous Payments	\$553,258.01
FINAL PAYMENT DUE CONTRACTOR:	\$17,365.12

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee reviewed the final pay request for Quam Construction Co. in the amount of \$6,596.97 for the Project No. 0302. Following discussion, the Committee was recommending the Council accept the project as constructed and authorize final payment. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Project No. 0302 – 2003 Sewer and Water Main Improvements
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CONTRACTOR: Quam Construction Company, Inc.
DATE OF CONTRACT: June 9, 2003
BEGIN WORK: June 18, 2003
COMPLETE WORK: October 23, 2003
APPROVE, CITY ENGINEER: January 4, 2005

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 0302 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$236,962.50
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$236,962.50
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$228,474.99
Less Previous Payments	\$221,878.02
FINAL PAYMENT DUE CONTRACTOR:	\$6,596.97

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee reviewed the final pay request for Quam Construction Co. in the amount of \$8,908.29 for the Project No. 0304. Following discussion, the Committee recommended the Council accept the project as constructed and authorize final payment. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 0304 – Northwest Willmar Water Main Improvements
CONTRACTOR: Quam Construction Company, Inc.
DATE OF CONTRACT: May 7, 2003
BEGIN WORK: May 20, 2003
COMPLETE WORK: September 29, 2003
APPROVE, CITY ENGINEER: January 4, 2005

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 0304 be herewith approved and accepted by the City of Willmar.

2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$367,392.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$367,392.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$365,061.12
Less Previous Payments	\$356,152.83
FINAL PAYMENT DUE CONTRACTOR:	\$8,908.29

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee reviewed the final pay request for Duininck Bros. Inc. in the amount of \$23,626.63 for Project No. 0403. Following discussion, the Committee was recommending the Council accept the project as constructed and authorize final payment. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Project No. 0403 – 2004 Mill and Overlay Improvements
CONTRACTOR:	Duininck Bros., Inc.
DATE OF CONTRACT:	August 20, 2004
BEGIN WORK:	September 9, 2004
COMPLETE WORK:	October 1, 2004
APPROVE, CITY ENGINEER:	January 4, 2005

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 0403 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$540,882.40
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$540,882.40
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$508,339.56
Less Previous Payments and Disincentive	\$484,712.93
FINAL PAYMENT DUE CONTRACTOR:	\$23,626.63

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed projects proposed for 2005 improvements by staff and developers. 2005 appears to be a major year for development with an estimated 3.05 actual miles of new streets. Two areas of reconstruction proposed are Willmar Avenue SE from 4th Street to the T.H. 71-23 bypass in conjunction with the County, and 3rd Street SW from Willmar Avenue to Kandiyohi Avenue.

Underground utility work is proposed in the new developments and an extension to the Latter Day Saints church along County Road 24. There is also some street lighting, a new signal system at the intersection of Willmar Avenue and Lakeland Drive SE, a well field access road, seal coating and crack sealing projects.

The Committee was recommending the Council order preparation of the Improvement Report based on the project list submitted by staff. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under the 2005 Improvement Project: grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, and street lighting and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA:

That the proposed improvement be referred to the City Engineer for study, and that he is instructed to report to the Council advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for January 4, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Community Development Committee Report for January 6, 2005, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 The Committee discussed an application submitted by Alan Roberts to allow the keeping of a Vietnamese potbelly pig at 624 SW 9th Street. The property is a rental unit owned by Aaron Butler of Atwater. The history of livestock in the city limits was reviewed and a particularly bad experience with a pig on the east side was recalled. In that particular instance the pig grew much larger than anticipated and created significant problems with waste disposal and odor.

The Committee was recommending to the Council that the application for the keeping of the potbelly pig be denied. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 2 The Committee discussed the different ways that building permit values can be determined. Staff informed the Committee the evaluation is typically calculated based on the square footage of the project, multiplied by a construction rate determined for this area by the State of Minnesota. In certain cases, if a construction contract is in existence and there is a discrepancy between that value and the value that staff calculates, there is room for compromise on the value.

Council Member Christianson suggested that the value should not be the basis for building permit cost, rather he suggested a system based on the number of inspections required for a project or the complexity of the project. This matter was for information only.

Item No. 3 The Committee discussed the status of the ordinance being prepared by the City Attorney. Information gathered in a survey from other cities was reviewed and discussed, and the common concern in each community appeared to be the hours of operation. That information will be made available to the City Attorney for the drafting of the licensing of the ordinance. This matter was for information only.

Item No. 4 The Committee reviewed updates on a variety of commercial, industrial, and residential projects. It was noted that the construction valuation for the year 2004 was lower than in the previous two years. This reflected an increase in total projects but a decrease in the scope and size of the projects. This matter was for information only.

The Community Development Committee Report for January 6, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

The Mayor and Council discussed a number of Council reorganization Resolutions. Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

BE IT RESOLVED, by the City Council of the City of Willmar, Minnesota, that the 2005 through 2006 Committee appointments for members of the Council shall be provided in the list of appointments as follows:

Labor Relations Committee:

Chair: Rick Fagerlie
Vice Chair: Steven Gardner
Doug Reese
Denis Anderson
Michael Schmit, City Administrator
Steve Okins, Finance Director
Municipal Utilities Commission
Rice Hospital Board

Finance Committee:

Chair: Denis Anderson
Vice Chair: Jim Dokken
Steven Gardner
Rick Fagerlie
Michael Schmit, City Administrator
Steve Okins, Finance Director
Kevin Halliday, City Clerk-Treasurer

Community Development Committee:

Chair: Bruce DeBlieck
Vice Chair: Cindy Swenson
Ron Christianson
Jim Dokken
Michael Schmit, City Administrator
Bruce Peterson, Planning and
Development Services Director

Public Works/Safety Committee:

Chair: Doug Reese
Vice Chair: Ron Christianson
Cindy Swenson
Bruce DeBlieck
Michael Schmit, City Administrator
Jim Kulset, Police Chief
Mel Odens, Public Works Director
Marv Calvin, Fire Chief

Woodland Centers: Cindy Swenson

Mid-Minnesota Development Commission: Les Heitke

Cable Communications: Doug Reese and Ron Christianson

Community Education and Recreation: Ron Christianson and Cindy Swenson

Rice Hospital Board: Jim Dokken

Municipal Utilities Commission: Bruce DeBlieck

Convention and Visitors Bureau: Steven Gardner

Human Rights Commission: Steven Gardner

Allied Power Board: Bruce DeBlieck

Senior Citizens: Jim Dokken

Sister City: Doug Reese

Transit Joint Powers Board: Rick Fagerlie and Bruce DeBlieck

Fire Code Appeals Board: Chair Ron Christianson and Vice Chair Denis Anderson

Main Street Willmar: Rick Fagerlie and Cindy Swenson

Economic Development Commission: Les Heitke, Ron Christianson and Denis Anderson

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 10 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

WHEREAS, the Charter of the City of Willmar, a municipal corporation of the State of Minnesota, provides that in the absence or disability of the Mayor, an Acting Mayor shall be appointed by action of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar as follows:

that during the years 2005 and 2006, should the Mayor, the Honorable Lester Heitke, be absent or unable to act as such Mayor, that Council Member Doug Reese be and is hereby appointed as Acting Mayor to act in all said circumstances and as set forth in the Charter of the City of Willmar.

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the regular semi-monthly meetings of the City Council shall be held at 7:00 p.m. on the first and third Mondays of each month during the next two years and that the regular place of said meetings shall be in the Council Chambers of the Municipal Utilities Building, 700 Litchfield Avenue Southwest, Willmar, Minnesota; and

BE IT FURTHER RESOLVED that the time for adjournment of said Council meetings shall be no later than 11:00 p.m. with the following exceptions:

1. An item of business under consideration at 11:00 p.m. may be disposed.
2. Business from the first meeting of the month will be carried over to the second meeting if necessary.
3. Any business not completed at the second meeting of the month, which is urgent and must have action will be adjourned to a special meeting.

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 12 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 12

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, a municipal corporation of the State of Minnesota, that the West Central Daily Tribune of Willmar, Minnesota, be designated as the legal newspaper for the City of Willmar and that the fees set by State statutes for legal publications be accepted.

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 13 was introduced by Council Member Reese, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 13

APPOINTING A RESPONSIBLE AUTHORITY

WHEREAS, Minnesota Statutes, Section 13.02, Subd. 6, requires that the City of Willmar appoint one person as the Responsible Authority to administer the requirements for collection, storage, use and dissemination of data on individuals within the City; and

WHEREAS, the City Council of the City of Willmar shares the concern expressed by the Legislature on the responsible use of all City data and wishes to satisfy this concern by immediately appointing an administratively and technically qualified Responsible Authority as required under the Statute.

BE IT RESOLVED by the City Council of the City of Willmar Minnesota, that the City Administrator Michael Schmit be appointed as the Responsible Authority for the purpose of meeting all requirements of Minnesota Statutes, Sections 13.02-13.87, as amended, and with rules as lawfully promulgated by the Commissioner of Administration as published in the State Register.

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Administration Schmit presented to the Mayor and Council proposed fees for City services for 2005. Following discussion, Resolution No. 14 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 14

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, sets fees for permits and licenses, and establishes rental rates for City equipment.

NOW, THEREFORE, BE IT RESOLVED that the below listed fees be duly adopted for the year 2005 and the same hereby ordered kept on file in the office of the City Clerk-Treasurer (for list in its entirety, see City Council proceedings file dated January 10, 2005, located in the City Clerk's Office).

Dated this 10th day of January, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Clerk Halliday informed the Mayor and Council that Mr. Darrell Sunvold, d.b.a. Quick Funds, Inc., has made application for a Currency Exchange License for 2005. Minnesota Statutes 53A.04 requires the governing body to give published notice of its intention to consider the issue and solicit testimony from interested persons. Following discussion, Council Member Anderson moved to schedule a public hearing for January 24, 2005. Council Member Dokken seconded the motion, which carried. Council Member Gardner abstained from voting.

City Administrator Schmit informed the Mayor and Council that Internal Revenue Code Bond Regulations require a municipality to declare its intent to reimburse itself for all costs incurred prior to the sale of G. O. Improvement Bonds. Following discussion of the 2005 Improvement Project process, Resolution No. 15 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 15

ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH
REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety, see City Council Proceedings file dated

January 10, 2005, located in the City Clerk's Office).

Planning and Development Services Director Peterson presented to the Mayor and Council for consideration the preliminary plat for Woodberry Addition, a 69-lot plat for single family and twin home development. Following discussion, Council Member Fagerlie moved to approve the preliminary plat for Woodberry Addition with Council Member Dokken seconding the motion, which carried.

Announcements for Council meeting dates were as follows: Public Works/Safety, January 18, 2005. It was noted the Ward One COPP meeting will be held on January 18, 2005.

Mayor Heitke indicated he had received inquiries from citizens regarding donations to the Tsunami disaster. Individuals should contact the Red Cross and local Salvation Army.

Mayor Heitke read a letter from the Benson Public School expressing appreciation to Police Officer Vince King for assisting the Benson Boys Basketball Team when their bus broke down in Willmar.

Mayor Heitke presented to the Council for consideration the following appointments: Convention and Visitors Bureau – Ken Schmitt and Asium Siddique; and Municipal Utilities Commission – Deb Solsrud and Doug Lindblad. Council Member Reese moved to approve the appointments as presented with Council Member Dokken seconding the motion, which carried.

There being no further business to come before the Council, the meeting adjourned at 8:31 p.m. upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

MAYOR

Attest:

SECRETARY TO THE COUNCIL